

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

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JEFFREY A. MARTINOVICH,	:	
	:	Civ. No. 18-621(RMB)
Petitioner,	:	
	:	
v.	:	<b>MEMORANDUM AND ORDER</b>
	:	
WARDEN DAVID E. ORTIZ,	:	
	:	
Respondent.	:	
	:	

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Petitioner, an inmate incarcerated in the Federal Correctional Institution in Fort Dix, New Jersey ("FCI Fort Dix"), filed a Petition For a Writ of Habeas Corpus Under 28 U.S.C. § 2241, challenging the Bureau of Prison's security classification and denial of transfer. (Pet., ECF No. 1 at 3.) On February 20, 2018, Respondent filed a letter requesting that the Court dismiss the petition as moot because the Bureau of Prisons ("BOP") gave Petitioner the relief he requested<sup>1</sup> by removing the Greater

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<sup>1</sup> Petitioner also requested that the Court order the BOP to transfer him to a minimum security facility closest to his home. (Pet., ECF No. 1, ¶14.) The Court does not have jurisdiction under § 2241 if the petitioner does not challenge the fact or duration of confinement but only a condition of confinement. Beckley v. Miner, 125 F. App'x 385, 388 (3d Cir. 2005) (citing DeWalt v. Carter, 224 F.3d 607, 617 (7th Cir. 2000)); see Ganim v. Federal Bureau of Prisons, 235 F. App'x 882, 883 (3d Cir. 2007) (district court lacked jurisdiction under § 2241 to address challenge to BOP's decision not to transfer petitioner from federal prison in New Jersey to a similar facility in New York). Therefore, Petitioner

Security Management Variable from him. (Letter, ECF No. 11; Declaration of Tara Moran, ECF No. 11-2.) For good cause shown,

**IT IS, therefore, on this 23rd day of February, 2018,**

**ORDERED** that Petitioner's Petition For a Writ of Habeas Corpus Under 28 U.S.C. § 2241 (ECF No. 1) is DISMISSED as moot; and it is further

**ORDERED** that the Clerk of the Court shall serve a copy of this Memorandum and Order on Petitioner by U.S. mail; and it is further

**ORDERED** that the Clerk shall close this matter.

s/Renée Marie Bumb  
**RENÉE MARIE BUMB**  
**UNITED STATES DISTRICT JUDGE**

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has received all relief he is entitled to under the petition, and the petition is moot.